

DOCKET NO. D-2001-061 CP-3

DELAWARE RIVER BASIN COMMISSION

**The Upper Hanover Authority
Wastewater Treatment Plant
Upper Hanover Township, Montgomery County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) by Gilmore and Associates, Inc. on behalf of The Upper Hanover Authority on August 16, 2012 (Application), for renewal of a Wastewater Treatment Plant (WWTP) discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0055875 was issued by the Pennsylvania Department of Environmental Protection (PADEP) on September 13, 2011 for the project WWTP.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Montgomery County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on December 5, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of the docket holder's 0.40 million gallons per day (mgd) Macoby WWTP and its related discharge. The Macoby WWTP, including the recently completed upgrades and expansion, was approved via Docket No. D-2001-061 CP-2; however the docket holder did not submit an application for renewal prior to the docket expiration date of July 21, 2011.

2. Location. The project is located just southeast of the intersection of Frey and Buck Roads in Upper Hanover Township, Montgomery County, Pennsylvania.

The project will continue to discharge to Macoby Creek at River Mile 92.47 – 32.3 – 19.5 – 5.3 (Delaware River - Schuylkill River - Perkiomen Creek - Macoby Creek).

The project outfall is located in the Perkiomen Creek watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 23' 30"	75° 29' 01"

3. Area Served. The Macoby WWTP will continue to serve existing and planned residential, commercial, and industrial development in the northwestern area of Upper Hanover Township, Montgomery County, Pennsylvania.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. Physical features.

a. Design criteria. The docket holder's 0.4 mgd WWTP treats domestic, commercial and industrial sanitary wastewater through a biological nutrient removal treatment process consisting of an Aqua-SBR Sequencing Batch Reactor system, chemical phosphorous removal and ultraviolet light disinfection.

b. Facilities. The recently expanded and upgraded WWTP facilities include a two (2) 855 gpm submersible influent pumps and a channel mounted 1.0 mgd capacity comminutor in the wet well of the influent pump station, a screening building containing a mechanical fine screen with a bypass channel and bar screen for emergency bypass of the fine screen, three (3) sequencing batch reactor basins utilizing in ground concrete tankage, liquid alum feed system to enhance phosphorous removal, two (2) Aqua Disk Filters, and an ultraviolet light disinfection system. Waste sludge from the SBR tanks is pumped to an aerobic digester. Supernatant from the aerobic digester is cycled back through the treatment process and thickened sludge is transferred to a reed bed system. A filtrate pump station with two 320 gpm submersible pumps transfers filtrate from the reed beds and digester supernatant back to the pre-equalization tank.

Prior facilities and processes for the WWTP have been described in DRBC Docket No. D-2001-61 CP-1 and D-2001-61 CP-2, approved by DRBC on June 23, 2003, and March 12, 2008, respectively.

The project facilities are located outside of the 100-year floodplain.

Wasted sludge will continue to be applied to the reed beds and periodically hauled off-site by a licensed hauler for disposal at a State-approved facility.

c. Water withdrawals. The potable water supply in the project service area is provided by Upper Hanover Authority wells as described in Docket No. D-2002-10 CP-2, approved on May 10, 2007. Potable water for the Macoby WWTP is provided by an onsite individual well.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0055875 was issued by PADEP on September 13, 2011 and includes final effluent limitations for the project discharge of 0.40 mgd to surface waters classified by the PADEP as Trout Stocking Fishery and Migratory

Fishery (TSF/MF). The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (WWTP Effluent)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Total Suspended Solids	10 mg/l (85% minimum removal*)	As required by NPDES permit
CBOD (5-Day at 20° C)	10 mg/l (85% minimum removal*)	As required by NPDES permit
Ammonia Nitrogen	1.5 mg/l	As required by NPDES permit
Fecal Coliform	200 colonies /100 ml as a geo. avg.	As required by NPDES permit

* DRBC Requirement

(The PADEP has also required a Phosphorous limit of 0.3 mg/l and a dissolved oxygen limit of 6.0 mg/l for the Macoby WWTP after to expansion.)

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (WWTP Effluent)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l *	One Per Quarter **

* DRBC Requirement

** See DECISION Condition II.q.

e. **Relationship to the Comprehensive Plan.** The Macoby WWTP project was added to the Comprehensive Plan by issuance of Docket No. D-2001-61 CP-1 on June 26, 2003. An expansion of the project WWTP was approved by the Commission via Docket No. D-2001-61 CP-2 on March 12, 2008.

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 0.40 mgd Macoby WWTP and its related discharge. No modifications to the WWTP are proposed.

On March 12, 2008, the Commission approved DRBC Docket No. D-2001-61 CP-2 which approved the expansion of the WWTP from a previous capacity of 0.15 mgd to the current capacity of 0.40 mgd. The docket holder did not submit an application for renewal prior to the docket expiring on July 31, 2011. The docket holder began construction of the upgrade and expansion project on February 1, 2010 and began project operation in January 2012. The final construction was completed on August 1, 2012.

At the project site, Macoby Creek has an estimated seven day low flow with a recurrence interval of ten years of 0.19 mgd (0.3 cfs). The ratio of this low flow to the permitted capacity of the WWTP discharge (0.4 mgd / 0.19 mgd) is approximately 2.1 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by Aqua Pennsylvania, near the confluence of the Perkiomen Creek and Schuylkill River, approximately 24 river miles downstream.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

C. DECISION

I. Effective on the approval date for Docket No. D-2001-061 CP-3 below:

a. The project described in Docket No. D-2001-61 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2001-061 CP-3; and

b. Docket No. D-2001-61 CP-2 is terminated and replaced by Docket No. D-2001-061 CP-3; and

c. The project and the appurtenant facilities described in Section A "Physical Features" of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table(s) in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the

violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F.

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a

reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED: December 5, 2012

EXPIRATION DATE: September 30, 2016